

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

LYNNE THOMPSON,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 15-619
)	Judge Arthur J. Schwab/
BOARD OF PROBATION AND PAROLE)	Chief Magistrate Judge Maureen P. Kelly
(PENNSYLVANIA); SCI-CAMBRIDGE)	
SPRINGS; SUPERINTENDENT OF)	
SCI-CAMBRIDGE SPRINGS; MR.)	
JERMEY STEWART <i>Supervisor</i> ; MS.)	
HEATHER HILDENBRAND; MR.)	
DOUGLAS; RANDAL B. TODD; MR.)	
SNOW; BOARD OF PROBATION AND)	
PAROLE,)	Re: ECF No. 10
Defendants.)	

ORDER

Lynne Thompson (“Plaintiff”) has filed a Motion for Reconsideration, ECF No. 10, of our order denying her IFP Motion and directing her to pay the full filing fee by October 15, 2015. The only assertion in the Motion for Reconsideration which Plaintiff makes that she was under imminent danger of serious physical injury was a claim that she was denied life sustaining drugs and given a pill that she was allergic to. ECF No. 10 at 3 – 4. She claims that the “Defendants were made aware of what was happening with the Medical Department of the Allegheny County Jail” (“the ACJ”). *Id.* at 4. Her allegation of such occurrences obviously concern actions or inactions taken while she was housed at the ACJ. We note that at the time of the initiation of this suit, i.e., May 12, 2015, Plaintiff was already placed in SCI-Cambridge Springs. ECF No. 1-1 (envelope in which her Complaint was sent with a return address of SCI-Cambridge Springs). Accordingly, at the time she initiated this suit, even if we assume that the allegations concerning her being denied medication at the ACJ satisfied the alleged “imminent

danger” requirement, such danger was already past given that she was housed at SCI-Cambridge Springs and, as such, does not qualify her for the exception to the Three Strikes rule. Abdul-Akbar v. McKelvie, 239 F.3d 37, 313 (3d Cir. 2001) (“Someone whose danger has passed cannot reasonably be described as someone who ‘is’ in danger, nor can that past danger reasonably be described as ‘imminent.’”).

We note that Plaintiff asks “[w]ith this ‘three strike rule’ is there going to be ‘penalized’ forever of the granting of In Forma Pauperis.” ECF No. 4 at 6. The answer is yes so long as she is a prisoner at the time she files and seeks IFP status and is not in imminent risk of serious physical injury.

The Request for Joinder with Civil Action No. 15-1085 is DENIED.

Accordingly, the Motion for Reconsideration is DENIED.

/s/Arthur J. Schwab
ARTHUR J. SCHWAB
UNITED STATES DISTRICT JUDGE

Date: October 16, 2015

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

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